REMARKS

By this Amendment, Applicants amend claims 1, 2, 6, 11, 13-15, and 17-20 and cancel claims 9 and 10, without prejudice or disclaimer of the subject matter thereof. Claims 1-8 and 11-20 remain pending.

In the Office Action, the Examiner rejected claims 1-2 and 5-20 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent 6,366,622 to Brown et al. ("Brown"); and rejected claims 3 and 4 under 35 U.S.C. § 103(a) as being unpatentable over Brown in view of U.S. Patent 7,088,691 to Fujita ("Fujita").[1]

Regarding the rejection under 35 U.S.C. § 102(b)

Applicants respectfully traverse the rejection of claims 1-2 and 5-20 under 35 U.S.C. § 102(b) as being anticipated by Brown. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." See M.P.E.P. § 2131, quoting Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Further, "[t]he identical invention must be shown in as complete detail as is contained in the . . . claim." See M.P.E.P. § 2131, quoting Richardson v. Suzuki Motor Co., 868 F.2d 1126, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989).

Independent claim 1, as amended,[2] recites a combination including, for example, "a connected number judgment unit configured to judge whether or not the number of said slave communication devices connected currently reaches a prescribed number

[1] The Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicants decline to automatically subscribe to any statement or characterization in the Office Action.

[2] Support for the amendments may be found at, for example, page 10 of the specification.

less than said limited number." Brown fails to disclose at least these features of amended claim 1.

Brown discloses that "[a]n apparatus for use in wireless communications includes a radio, a modem and a controller integrated onto a single integrated circuit (IC). . . . The controller is coupled to the modem and includes a digital interface for external communications through which received data and data for transmission is sent, a connection state machine configured to accept commands through the digital interface and to respond to the commands by initiating a sequence, and a receive/transmit state machine configured to perform state control of the radio in response to the initiated sequence." Brown, Abstract, emphasis added. However, Brown's teaching of a connection state machine does not constitute "a connected number judgment unit configured to judge whether or not the number of said slave communication devices connected currently reaches a prescribed number less than said limited number," as recited in amended claim 1 (emphasis added).

The Examiner alleges that Brown discloses "a connected number judgment unit configured to judge whether or not the number of said slave communication devices connected currently reaches a prescribed number not more than said limited number; . . . ([Brown] Column 4 Lines 15-17 'A piconet starts with two connected devices, such as a portable PC and cellular phone, and may grow to eight connected devices' and Column 27 Lines 17-18, 'Connection State Machine (CSM)' and Column 28 Lines 28-31, 'First, the master establishes a beacon channel in state 1328 by placing the slave in Park Mode via a message communicating the beacon channel parameters and the [slave's] assignment.')" (Office Action at 3.) Applicants respectfully disagree.

In the portions cited by the Examiner, Brown at most teaches a piconet having a limited number of connected devices and a connection state machine controlling different states of the Bluetooth communication. See Brown, column 4, lines 15-17; column 27, lines 17-18; and column 28, lines 28-31. However, Brown's mere teaching of the limited number of connected devices of a piconet does not constitute "a connected number judgment unit configured to judge whether or not the number of said slave communication devices connected currently reaches a prescribed number less than said limited number," as recited in amended claim 1 (emphasis added).

In fact, Brown does not disclose the concept of "a prescribed number" in addition to the limited number of the connected devices, and thus may lack the advantages of using "a prescribed number less than said limited number" including, for example, even if a new slave communication device requests communication and connection with the new slave communication device is permitted, a total number of connected slave communication devices does not exceed the limited number, thereby ensuring normal communicating.

Moreover, in view of Brown's failure to disclose Applicants' claimed "prescribed number," Brown fails to disclose "a release selection unit configured to select at least one of said slave communication devices to be released, when determined to have reached said prescribed number," as recited in claim 1 (emphasis added).

Therefore, Brown fails to disclose each and every element of amended claim 1. Brown thus cannot anticipate Applicants' amended claim 1 under 35 U.S.C. § 102(b). Accordingly, Applicants respectfully request withdrawal of the Section 102(b) rejection of amended claim 1. Because claims 2 and 5-8 depend from claim 1, either directly or

indirectly, Applicants also request withdrawal of the Section 102(b) rejection of claims 2 and 5-8. Further, because claims 9 and 10 have been canceled, the Section 102(b) rejection of claims 9 and 10 is moot.

Amended independent claims 11, 13, and 17, while of different scope, include similar recitations to those of amended claim 1. Amended claims 11, 13, and 17 are therefore also allowable for at least the same reasons stated above with respect to amended claim 1. Applicants respectfully request withdrawal of the Section 102(b) rejection of claims 11, 13, and 17, and of claims 12, 14-16, and 18-20, which depend from claims 11, 13, and 17, respectively.

Regarding the rejection under 35 U.S.C. § 103(a)

Applicants respectfully traverse the rejection of claims 3 and 4 under 35 U.S.C. § 103(a) as being unpatentable over Brown in view of Fujita, because a *prima facie* base of obviousness has not been established.

To establish a *prima facie* case of obviousness based on a combination or suggestion of prior art, "Office personnel must articulate . . . a finding that the prior art included each element claimed, although not necessarily in a single prior art reference, with the only difference between the claimed invention and the prior art being the lack of actual combination of the elements in a single prior art reference." M.P.E.P. § 2143.A (8th edition, revision 6).

Claims 3 and 4 depend from claim 1. As set forth above, Brown fails to teach or suggest, at least, "a connected number judgment unit configured to judge whether or not the number of said slave communication devices connected currently reaches a prescribed number less than said limited number," and "a release selection unit

configured to select at least one of said slave communication devices to be released, when determined to have reached said prescribed number," as recited in claim 1 (emphasis added).

Fujita fails to cure the deficiencies of Brown. Fujita teaches that "[w]hen data transmission is to be conducted between a master station and a slave station, the master station moves the other slave stations to such a park mode (standby state) that they do not make a communication request. Thus the master station and the slave station can conduct data transmission from and to each other with priority use of a communication network." Fujita, Abstract, emphasis added. However, Fujita's teaching of priority use of an existing communication excluding other slave devices does not constitute and is contrary to the above recited features of amended claim 1.

Therefore, neither Brown nor Fujita, taken alone or in any reasonable combination, teaches or suggest all elements of amended claim 1 and required by claims 3 and 4. A *prima facie* base of obviousness has not been established. Accordingly, Applicants respectfully request withdrawal of the Section 103(a) rejection of claims 3 and 4.

Conclusion

In view of the foregoing amendments and remarks, Applicants respectfully request reconsideration of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

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By: _____
Wenye Tan
Reg. No. 55,662